DOCUMENT RESUME

ED 107 403 RC 008 531

TITLE The Land Is Our Mother. A Summary, Statewide Indian Land Use and Policy Meeting (Crow Agency, Montana, November 14-15, 1974).

INSTITUTION Crow Land and Livestock Association, Mont.; Montana State Univ., Bozeman. Cooperative Extension Service.

PUB DATE 15 Nov 74

NOTE 24p.

EDRS PRICE MF-$0.76 HC-$1.58 PLUS POSTAGE

DESCRIPTORS *American Indians; Conference Reports; Economic Development; *Land Use; Legislation; Management; Natural Resources; Philosophy; *Policy; Political Issues; *Political Power; Problems; *Reservations (Indian); State Agencies; State Schools; Water Resources

IDENTIFIERS Montana; Wyoming

ABSTRACT

Summarized in this brief report are proceedings of the Statewide Indian Land Use Policy Meeting, a meeting planned by American Indians in response to their perceptions of constraints on effective management of Indian lands and one which drew 135 people, including representatives from every reservation in Montana and Wyoming. This booklet outlines: (1) concerns and situations which led to the meeting; (2) activities prior to the meeting; (3) pertinent participant comments; (4) follow-up activities; (5) resolutions; and (6) participant and resource staff names and affiliations. Representative statements are reported covering such issues as: Indian land philosophy; problems of urban relocation and imported reservation industry; responsibilities of the Bureau of Indian Affairs and the Indian people; loss of Indian lands via individual sales; Indian legal needs; tribal court capabilities; zoning; Indian jurisdiction; agricultural development; credit; Indian representation in government agencies; water rights; soil surveys; land use ordinances; policy implementation plans, etc. The resolutions which are reported call for Indian jurisdiction over lands within the boundaries of Indian reservations and the exchange of state school lands for public domain lands outside the reservation or legislation leading to Indian control over state school lands within reservation boundaries. (JC)

A Summary

THE LAND IS OUR MOTHER

Statewide Indian Land Use and Policy Meeting
November 14-15, 1974 - Crow Agency, Montana

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

MAY 26 1975

ED107403

RC008 531

Land use policy meeting opens today at Crow Agency

huscle

Old Coyote Advises Indian Delegates

Indians urge adoption of Senate's mining bill

Speaker stresses right to retain Indian culture

l stand has 'made history'

Blackfeet Water Actions To Be Discussed at Helena

Credit plan seen as aid for Indians

Non-Indian lands on reservations subject to Montana subdivision regs

Crows Win Bighorn Decision

Water Ordinance d by Agency Head

Sponsors: Crow Land & Livestock Association
Montana Cooperative Extension Service

Cooperative Extension Service
Montana State University, Bozeman

6052

The programs of the Montana Cooperative Extension Service are available to all people regardless of race, creed, color, sex or national origin.

Issued in furtherance of cooperative extension work in agriculture and home economics, acts of May 8 and June 30, 1914 in cooperation with the U. S. Department of Agriculture, Carl J. Hoffman, Vice President for Extension and Director of Cooperative Extension Service, Montana State University, Bozeman, Montana 59715.

0003

TABLE OF CONTENTS

CLLA Statement 2

Introduction 3

Swaney's Highlights 5

Control of Indian Land 6

Managing Indian Resources 8

Indian Credit 12

Miscellaneous 13

Follow-Up 14

Appendix I, Resolutions 15

Appendix II, List of Participants 16

CLLA Statement

We, the Directors for the Crow Land and Livestock Association, take this opportunity to thank each and every one who attended the Statewide Indian Land Use & Policy Meeting at Crow Agency, Montana. We would like to also thank the Tribal Officials responsible for sending delegates to the meeting to make it a successful event.

We also wish to express our appreciation to the Crow Tribal Officials and Business Manager for their assistance in helping make arrangements for the meeting at Sun Lodge.

We also appreciate the assistance of the Cooperative Extension Service in helping to plan and coordinate the event, particularly Robert Weber, Crow Indian Extension Agent.

With the cooperation of the State Indian Coordinator in Helena, we are now in the planning stages to have similar meetings on each reservation in Montana in the near future. Do plan to attend these meetings when they are held on your reservation. By having these meetings, we hope all the Indian tribes in Montana could cooperate and accomplish some common goal as related to land policy on Montana Reservations.

--Nelvette Siemion, V. Pres.
CLLA, Crow Agency, Montana

0005

THE LAND IS OUR MOTHER

Summary, Statewide Indian Land Use & Policy Meeting at Crow Agency, November 14-15, 1974, sponsored by the Crow Land and Livestock Association and the Montana Extension Service.*

INTRODUCTION

The meeting summarized in this report drew 135 people including representatives from every reservation in Montana and Wyoming. It was planned by Indian people based on their perception of constraints on effective management of Indian land. The Montana Cooperative Extension Service helped shape these concerns into a program and invited appropriate speakers.

The statements reported do not necessarily reflect the opinions of the Crow Land & Livestock Association directors or Montana Extension Service staff.

ACTIVITIES PRIOR TO THE MEETING

1. Seven tribes sent thirty-four persons to Fort Belknap in February 1973 to exchange information on grazing regulations, livestock association charters, etc.
2. The CLLA agreed, with Extension Service help, to sponsor another meeting on November 14-15.
3. A survey of reservation spokesmen provided the program ideas.
4. Fourteen representatives of four tribes met at Crow Agency to develop the program.
5. Information on land policies and problems was obtained from each reservation agency. (Charts are available from the Extension Service.)

*A 27-page, comprehensive report is also available from the sponsors.

0006

WHY A LAND USE MEETING

A few of the concerns and situations which led to the calling of this meeting included:

-In 1974, approximately 40% of all Indian trust and government-owned land on or near Montana reservations was used by non-Indians while the unemployment rate for Indian adults was about 39%.

-Present land policies have sometimes impeeded the ability of Indian people to start ranching or farming or to expand a present operation. For example, the annually revoked and renewed five-year competent lease system, as commonly practiced on the Crow Reservation, generally has led to the perpetuation of the present lessee's lease. This person has typically been a non-Indian.

-Indian land is seldom operated by its owner, but rather is leased to the highest bidder. With limited security, the lessee tends not to develop or conserve the land.

-The Indian land base has constantly eroded through sales which transfer land out of trust status.

-Indian farm and ranch operators have been especially hard pressed to obtain adequate credit, due in large part to questions of jurisdiction on Reservations and to their renter status.

-Much Indian land could be utilized more intensively. For example, only 1.8% (96,462 acres) of all Indian trust and government-owned land on or near Montana Reservations is now irrigated. Only 42,695 acres of this is farmed by Indian people.

-Indian people have seldom been represented on the advisory committees, boards or staffs of the agencies which provide credit and other agricultural services to them.

0007

Keynoter TOM (BEARHEAD) SWANEY
Flathead Reservation

SWANEY'S HIGHLIGHTS:

-The land is our mother ... not a common product to be sold on a common market.

-Take care of the land, and it will take care of you.

-Indians today have tremendous natural resources including more than fifty million acres of land outside of Alaska. This land is ours to love, to cherish and to take care of so that it will provide us with food, clothing, health and freedom.

-If we sell our land as any common product, or use our land to exclude other Indians, we are white as white can be.

-Indians must be put back on their land. Neither relocation of Indians to city jobs nor importing of industries to reservations has worked.

-Tribes should improve their lands, establish sawmills and industries rather than make huge per-capita payments.

-The tribes, the BIA and individuals should develop the land, make it produce more abundantly, and use it more intensively, including irrigation.

-Indian people must make the BIA and its employees work as they have never worked before. The tribes must provide guidance and cooperation for this to happen.

-Livestock associations must be careful, or they will become a power block leading to new, unfair or discriminatory practices.

CONTROL OF INDIAN LAND . . . some views

Dr. Barney Old Coyote, President of the American Indian National Bank, and a Crow:

Indians must gain control over trust lands, and not merely stop losses from trust status. When the economy is largely non-Indian, then control of the reservation and its trust lands is lost to Indians.

Indian land has been cheap for non-Indians to own and operate. If we would tax every reservation resident, Indian and non-Indian, the non-Indian land owners might be more willing to sell to the tribes.

J. O. Jackson, Area BIA Office

The main loss of land from trust status resulted from sales by individuals when the tribe was broke. It may be possible for a tribe to set up a procedure to buy the non-Indian interests in an inheritance. (Someone asked if [suggested] it is possible to obtain a law to allow transfer of income from land, rather than the transfer of land itself, by inheritance.)

Ted Schwinden, State Land Commissioner

Indian people can obtain leases of school lands by: (1) competitive bidding, (2) purchase of the lease, (3) legislation that allows the state to lease through BIA or tribes, (4) granting tribes school lands in exchange for BLM land (see resolution in appendix).

Tom (Bearhead) Swaney:

I would like to see BIA become involved, as an advocate for all Indians and their welfare, to the extent that it would pick up tribal litigation costs.

Some BIA intervention may be called for if Indian lessees do not develop tribal land that they lease.

Robert Yellowtail, Sr.:

Indian people need to obtain all the legal talent available to meet the great pressures coming to bear as a result of coal development. Montana's Indian people need to unite politically to work out stands and to join forces.

Other Participant Comments:

-Land outside of reservation boundaries can be held in trust status.

-Some tribes are allowed by law to take land into trust status. Those that do not have such a law should try to obtain one.

-Tribal court systems need to develop the capability of handling grazing rights cases.

-Tribes must become more active in the development of land, in the development of land policy and in policing of land policies.

-Zoning should become a high-priority activity for tribes.

-The BIA should be more active in its role as advocate, promoter and supporter of Indian rights and interests, including those related to land use planning.

-State Officials should be given notice that the Indian tribes have complete jurisdiction over resources and planning on reservations, rather than being asked for such jurisdiction.

-Participants, in separate statements or resolutions, asked for Indian control of state school land and for Indian jurisdiction over all natural resources on reservations. (see the appendix)

MANAGING INDIAN RESOURCES (participant comments)

-Livestock operators have had fewer problems in obtaining credit on the Northern Cheyenne Reservation, where the Indian livestock association has controlled the leasing of land and guaranteed operators five years use of rangeland.

-The State Land Commissioner can provide tribes with a listing of all state lands on reservations, and lease expiration dates for each.

-The BIA should consider increasing its technical staff — particularly production technicians — to improve farming on reservations.

-Indian people should become candidates for USDA and other agency committee or board positions so that Indian interests are represented.

-Indian people should be informed that landowners do have the right to be represented on relevant agency boards and committees.

-Tribes should invite representatives of agricultural and credit service agencies to attend relevant reservation meetings to explain their services and programs, and to explain how Indian representatives can be named to boards, committees and staff.

-Tribes should investigate government agency special training programs as a new way to get Indian people placed in professional agency positions.

-A complete soil survey and reclassification survey should be made every ten years.

-Tribes that have not done so should pass resolutions to claim control of all lands within the exterior boundaries of reservations, and jointly request federal legislation and funding for land use planning.

-A complete inventory should be made of each reservation's surface water needs. (A Phase I report is available.) Tribal resolutions should claim all water arising on, flowing through or bordering reservations, plus all underground water to a depth of more than 10,000 feet. (The resolutions should set up a reservation water management authority.)

-Operators of irrigated farms should utilize government services more.

-Tribes should consider taking over any irrigation systems on reservations when completed, or one year before completion.

-Indians on trust lands should consider forming water user associations rather than irrigation districts.

-Tribes should become informed on the status and provisions of Senate Bill 268, in order to support or kill it. There is reason to believe that a provision for Indian jurisdiction over land use planning in the original version is being removed.

-Perhaps tribal councils should pass land use ordinances. (BIA Field Solicitor Ted Meredith said he will draw up a model land use ordinance for tribal use.)

-Tribes need inventories and policy implementation plans. These should be enforced by the tribes rather than by the BIA.

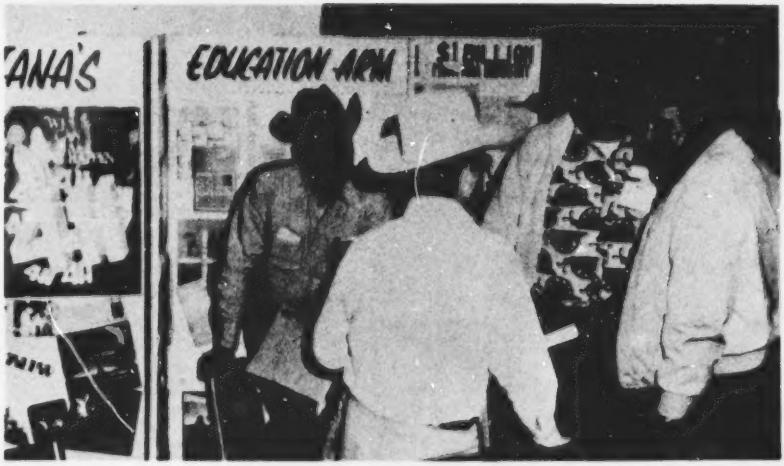
-Tribes should put more emphasis on agricultural development rather than on industrial development. The natural Indian orientation is and has been to the land, where very little development effort has been made.

Some of the participants in the Medicine Crow Room at Sun Lodge, Crow Agency.

Leon Poitras leads Group II in discussing Management of Indian Resources.

0013

J. O. Jackson addresses Group I on Control of Indian Land.



Visits in the lobby were important, too.

INDIAN CREDIT . . . Opportunities and Needs

The wording in the Indian Finance Act of 1974 regarding loan programs should be changed to make all tribes eligible, whether or not they have revolving credit programs.

EDA grants apparently are available for reservation irrigation projects.

Production Credit Associations and other lending institutions should send representatives to the Indian people to encourage credit applications.

FHA is structured better than PCA to help new agricultural operators.

Other tribes may wish to follow the example of three Indian reservations that recently obtained their own FHA field representatives. Requests should be made to the State FHA Office in Bozeman.

FHA and other lending institutions should conduct community meetings to explain their services. Tribal Credit Offices should hold similar meetings.

PCA has offered to establish a guaranteed loan program with tribes.

FHA loan committees should include Indian representatives.

American Indian National Bank can insure that lands reclaimed through foreclosures be sold only to tribes or Indian people. This would prevent loss of trust status, as is common with local bank sales of land.

Tribes need to do more to help tribal members obtain guaranteed loans under the Indian Finance Act of 1974, said Dr. Old Coyote. Lending institutions may need to put more emphasis on character, rather than looking only at credit rating and resources when making loans to Indian clientele.

Indian Credit, cont.

AUM lease rates on tribal lands of 50 cents to $1.95 per acre or more are too low, and may encourage operators to leave lands undeveloped.

A fear was expressed that people competing with Indian operators on the Crow Reservation also control the local financial institutions, making it unlikely that Indian operators can obtain adequate loans.

Loans obtained by Indian operators too often are adequate to start a business, but not to continue it.

MISCELLANEOUS . . . Needs and Successes

A helicopter that has made possible the killing of up to 45 coyotes a day is available to communities upon request to the Montana Department of Livestock.

Bill Cheney said the Montana Department of Livestock is willing to hire qualified tribal members as livestock inspectors to be trained in the Billings area.

The Crow Land & Livestock Association, in existence 18 months, has an impressive list of accomplishments. Those read at the meeting included: conduct of a land policy survey, development of an improved standard lease contract, drafting of tribal land resolutions, and establishment of a leasing office with a lease clerk on hand.

Native American Rights Fund lawyers are bringing a test case lawsuit against a non-Indian landowner on the Crow Reservation in an attempt to uphold the Section 2 clause of the Crow Allotment Act of 1920.

The 2-year-old Dry Fork Farm on Rocky Boy Reservation has had spectacular success growing dryland wheat and barley, and is adding a cattle enterprise. The tribe grossed $103,000 from 1262 acres planted in 1972, and grossed $335,000 from 3355 acres planted in 1973.

FOLLOW-UP

A delegation of six people reported on the Crow Agency meeting at the Governor's Land Use Conference in Great Falls.

Merle Lucas, State Coordinator of Indian Affairs, was authorized at a December 2, 1974 planning meeting at Crow Agency to visit the five Montana reservations that have not hosted land use and policy meetings. He will report on the Crow Agency meeting and determine interest in similar meetings on each reservation. A grant from the Montana Committee for the Humanities may be requested for such meetings, possibly including another statewide meeting.

A BIA Solicitor has corresponded with the Montana Land Commissioner and others regarding possible transfer of state school lands to the Crow Tribe in exchange for BLM lands, in effect, a land grant to the Crow Tribe.

0017

APPENDIX I

Resolutions:

Delegates attending the Statewide Indian Land Use and Policy Meeting, November 14-15, 1974, recommended the following:

> That all lands within the exterior boundaries of an Indian Reservation should remain under the jurisdiction of the tribe or tribes of that reservation to the exclusion of state jurisdiction;
>
> That the tribes whose reservations contain school lands work with the State, Bureau of Land Management, and other appropriate officials for the exchange of those school lands for public domain lands outside the exterior boundaries of the reservation. If the exchange is not possible, then the tribes will work with the State and government officials for the passage of legislation directing the State Land Department to lease the state school lands on a reservation to the governing body of that reservation so that they might be subleased in the same manner as other Indian controlled lands on the reservation.

APPENDIX II, Participants

Crow Reservation

Phil Beaumont, Sr., Pryor
Calvin Bellrock, Wyola
Richard Boehs, BIA, Hardin
Joy Brien, CPP Secretary, Crow Agency
Joe Bull Tail, Jr., CLLA Director, Pryor
Billy E. Butts, Jr., BIA Soil Cons., Crow Agency
Betty Caufield, Crow Agency
Erline Chandler, Crow Agency
John Cummins, Lodge Grass
Don Erb, CLLA, Huntley
Yvonne Fighter, Coal Office, Crow Agency
Glenn A. Fritzler, Crow Agency
Clem Goes Ahead, Hardin
Alice Goodluck, Wyola
Mary Ruth Hammett, CLLA, Lodge Grass
John Hill, Sr., Crow Agency
Alice Hossfeld, Youth Agent, Crow Reservation
Theo Hugs, NPS, Fort Smith
Connie Jackson, Wyola
Ben Jefferson, Counselor, Lodge Grass
Dale Kindness, Crow CAP, Crow Agency
Aaron Knows Ground, St. Xavier
Bryan Knows Ground, St. Xavier
Ellis Knows Gun, Coal Research, Crow Agency
Bill Knudson, VISTA, Crow Agency
Frank LaForge, Crow Agency
George LaVerdure, BIA Superintendent, Crow Agency
Leonard Lindholm, VISTA, Crow Agency
Lois Lindholm, VISTA, Crow Agency
Neil A. MacKenzie, BIA Realty Officer, Crow Agency
Joe Medicine Crow, Lodge Grass
Frank Medicine Horse, Lodge Grass
Wanda Medicine Horse, Lodge Grass
Willis Medicine Horse, Jr., Crow Agency
Wayne Moccasin, Crow Agency
Alvin Morrison, Jr., Hardin
Rosaline Morrison, Hardin
Howard Nichols, Development Specialist, Crow Agency
Sarge Old Horn, Crow Agency
George W. Peters, Jr., Reno Creek
A. Peterson, BIA Credit Officer, Crow Agency

Crow Reservation, cont.
G. Peterson, BIA, Crow Agency
Leo Plain Feather, Fort Smith
Robert L. Playfair, BIA Range, Crow Agency
Leon P. Poitras, BIA, Crow Agency
Floyd Real Bird, Crow Water Resources, St. Xavier
Nelvette Siemion, CLLA, Crow Agency
Pat Stands, Tribal Chairman, Crow Agency
Stan Stevens, Big Horn Econ. Dist., Crow Agency
Dave Stewart, BIA, Crow Agency
Marvin L. Stewart, BIA Wyola
Lucy M. Stops, Wyola
William Stops, Wyola
Le'and Walking Bear, Director, CLLA, Crow Agency
Virginia Wear, 4-H & Youth, Crow Reservation
Paul Williamson, Crow Agency
Mrs. Paul Williamson, Crow Agency
Sherman G. Wilson, Editor, CAP Newsletter, Crow Agency
Charles Wolf, St. Xavier
Charles E. Wolf, Lodge Grass
Jiggs Yellowtail, Vice Chairman, Crow
Robert Yellowtail, Sr., Lodge Grass

Northern Cheyenne Reservation
Herbert Bearchum, No. Cheyenne Research, Lame Deer
Lee Carlson, Ashland
Susan Carlson, Ashland
Heidi Denny, Busby
Marcus Denny, Busby
Llevando Fisher, NCTC, Birney
Beverly Geary, Editor, A'tome, Lame Deer
Ben Gallegos, BIA Land Operations, Lame Deer
George Hiwalker, Jr., EDA Planner, Lame Deer
Dennis Limberhand, Tribal Council, Lame Deer
Harry Littlebird, Director, NCCPP, Lame Deer
Wayne Little Whiteman
Kevlin McManus, Lame Deer
Ralph Red Fox, No. Cheyenne Research, Busby
David Robinson, Sr., Lame Deer
Dorothy Robinson, Landowners Assoc., Lame Deer
John Small, Busby
Alonzo Spang, BIA Superintendent, Lame Deer

Northern Cheyenne, cont.
Matthew Two Moons, Busby
John Woodenlegs, Lame Deer

Fort Peck Reservation
Clark Madison, Fort Peck Planners, Poplar
A. T. Stafne, Wolf Point
June Stafne, Wolf Point

Blackfeet Reservation
Gene R. Cobell, Blackfeet Planning, Browning
Roy H. Doore, Jr., BIA Resource Specialist, Browning
Charles R. Farmer, HUD Planner, Browning
Wally Hubbard, HUD Planning, Browning
Roland Kennerly, Tribal Council, Browning
Ron Livermont, Leasing Officer, Browning
Myron Pease, BIA Credit Officer, Browning

Fort Belknap Reservation
Don Addy, Extension Agent
Joe Brown, Land Chairman, Harlem
Raymond Helgesen, Planner, Dodson
Dora Helgesen, Dodson
James Main, Fort Belknap

Rocky Boy's Reservation
Joe Demontiney, Dry Fork Farm
Henry Nipp, Rocky Natural Resource Mgr., Havre
Roger St. Pierre, Credit Officer, Box Elder
John Sunchild, Box Elder

Flathead Reservation
Tom Swaney, Dixon

Wyoming, Wind River Reservation
Jess Blankenship, Dayton, Wyoming
Ernest Hanway, Wind River, Wyoming
Alfred Ward, Shoshone Tribal Council, Ft. Washakie

RESOURCE STAFF and VISITORS

State of Montana, Helena
Department of State Lands
Leo Berry, Attorney
Bob Raundal, Administrator, Land Admin.
Ted Schwinden, Commissioner

Department of IGR, Indian Affairs
Merle R. Lucas, Indian Affairs Coordinator

Department of Livestock
Bill Cheney, Administrator
Ron Reed

Extension Service
Verne House, Economist, Bozeman
Lloyd Pickett, Supervisor of Indian Programs
Robert Weber, Reservation Agent, Crow

Oregon State University
Mike Adams, Community Development Specialist

American Indian National Bank, Washington, D.C.
Dr. Barney Old Coyote

U. S. Fish & Wildlife Service
Jim Hanson, Hardin

Northern Rockies Action Group
Joe Lamson, Helena

Bureau of Indian Affairs
Arlo V. Dalrymple, Range Conservation, Wash., D.C.
James F. Canan, Director, Area Office, Billings
J. O. Jackson, Realty Officer, Billings
Ted Meredith, Field Solicitor, Billings
H. B. Osmundson, BIA Appraiser, Billings
Walter B. Woodcock, BIA Appraiser, Billings

ASCS
John Atwood, Hardin
Carl Wohlgenant, Bozeman

Soil Conservation Service
Wayne Nipple, Hardin

0022

Resource Staff and Visitors, cont.

Production Credit Association
Joseph Dubay, Fed. Intermediate Credit Bank
Wm. Gunn, Hardin
Kermit B. Peterson, Midland PCA, Billings
Lee Wilson, Hysham

Farmers Home Administration
P. T. Hacker, Field Man, Lame Deer

Other
Tom Swaney, Flathead Tribal Councilman

0023

Indians urged to cherish their land

Meeting may settle growing problem of Indian jurisdictio

Indian economical potential hefty

Flathead tribes e

Indian jurisdictio studied by law

Indians increase demands for independent status

Indian Financin Gets $80 Mill

Tribes Acqui More Acreag

Land Board receives input on leases at meeting

0024